Safety, Security, Sanity...

Yes, They Can Be Synonymous

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A universal and very important responsibility that every association board of directors must continually deal with is to maximize the safety of the residents and guests in the community. This simple concept, however, can involve many different factors, and some of the ramifications may not be apparent at first glance. This goal is further complicated by today’s litigious society where a hasty or poor decision can cause a visit from a process server holding papers with both the association’s and the board members’ names at the very top.

At the same time, it should be equally obvious that the topic is so broad that it can never be totally solved. There always will be safety and security
concerns and problems at every community. So what is a board to do?

The topic of safety and security has at least two major components. One involves the physical plant—the actual items in place—and the other involves people. Both of these must be addressed in any discussion of safety and/or security.

As far as physical plant, one adage is, “If it is there, it needs to work!” This is especially true with all lighting for obvious reasons. Lighting is a primary component of safety in a community, and it is imperative that a procedure be in place to regularly check that all lighting is working. This mindset also applies to pools, spas, playgrounds, weight room equipment, and all other amenities. The board has an obligation to do all it can—within its resources—to ensure that an item is in proper operating condition. If an amenity is not in operating condition, the item should be clearly marked and taken out of service.

Proper signage throughout the community is vital to community safety. This includes speed limit and stop signs—although enforcement may need to involve the police—swimming and other amenity rules and advisory signs as needed. If a community is gated, the board needs to ensure that the gates are working properly and are being regularly maintained. Cameras at the gate and changing the gate code periodically are also recommended. A timer at the gate will prevent tailgating and possibly deter unauthorized visitors, including criminals and vandals.

Amenities always require a great deal of daily attention. This includes not only a check of the physical condition of the amenity, but also the rules governing its use. Pools, spas, lakes, exercise rooms, playgrounds, and other like items are some of the most common areas that injuries—some very serious—occur. Although all communities are different and will require community specific rules and regulations, there are some finite and general rules, such as swimming regulations on a sign as prescribed by state law that the board must ensure are in place.

The community must also undergo regular inspections for various hazards, as sometimes these occur with little warning. Oil on the street is one
example. Another would be a sidewalk that has risen at a joint or become cracked. Either of these examples can cause serious injury and potential lawsuits if not promptly addressed. Sometimes the cure is not as expensive as first feared. For example, often, you will find that grinding uneven sidewalk areas is an inexpensive way to minimize a slip-and-fall hazard.

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After the physical plant has been dealt with, the operating environment must come next. Fortunately there are a large number of community resources available to assist a board with this. Law enforcement agencies everywhere offer community service programs designed to assist with maximizing safety and security within a community. They are happy to assist with programs such as a Neighborhood Watch program, as well as such programs like off-duty officer patrol or COPs (Citizens on Patrol). Call your local agency and inquire about having an officer attend an annual meeting or a special “Fight
Crime” meeting. They will be knowledgeable on illegal activity in your area as well as “Megan’s Law” and other information dealing with sexual offenders and/or predators, including websites available to track your neighborhood. Knowing who lives in your community and what’s going on around you can be key to protecting your family and neighbors.

Governmental agencies and local media—television and/or newspapers—offer free pamphlets about hurricane and other disaster preparation. In Florida, it is vital that this information be available to the community. Information about securing the property, including rules about boarding up windows—especially if you are near or on the ocean—as well as a list of hurricane supplies and evacuation routes, should also be provided. In addition to a newsletter, a community bulletin board is a great way to get this information to the community.

Cameras are more and more prevalent in today’s world, and they can provide 24-hour a day monitoring of certain areas of the property. The video should be stored in a secure area, and can be set for access by authorized people over the Web. Signs stating that cameras are in use will also be a deterrent to anyone considering criminal activity. If a budget permits, a security guard may be the best way to control who is using an amenity, such as the pool, or to provide parking control. But in many cases, cameras will do a better job of watching the property.
than a single guard walking or driving a large community. Another item to consider may be a “no solicitation” policy as it is not uncommon for door-to-door solicitors to have criminal connections.

As far as the people component, it is equally important that there are comprehensive rules and regulations governing all community activities and the use of amenities. A board can’t just assume that everyone in the community will use common sense for things like barbecue grills—gas and charcoal—fireworks, trampolines, vehicle speed limits, etc.

Also, one of the most valuable resources in providing safety and security in a community are the residents of the community itself. Enlisting the support and assistance of everyone living in a community should be a goal for every board. As an example, normally, a resident will see an inoperative light before any scheduled lighting inspection. Knowing where and who to call and report this will lead to quick repair/replacement of the inoperative light and less time for a potential safety issue.

The concept of the entire community assisting with the welfare of the community is one of the most important items that can be done to maximize safety. Various “meet and greet your neighbor” functions should also be encouraged to develop this. A community newsletter may also be utilized to provide safety tips as well as current events in the neighborhood.

On-site managers and/or board members need to have
a policy in place to deal with angry or threatening resi-
dents/visitors. The simplest procedure is: if a situation con-
tinues to escalate and cannot be diffused, call the police.
The possibility of a situation becoming violent is not a risk worth taking. Also, it is always the right decision to call the authorities whenever there is any suspicion of illegal activities such as drugs and/or weapons at a community.

If possible—and the docu-
ments allow— it is recom-
mended that a board require a record of which units are being rented, and the name and lease-term of the tenant. Tenants should always be pro-
vided with a copy of the rules and regulations of the com-

munity, and many communities require the tenant’s lease to
state that a violation of these rules is a violation of the lease, possibly resulting in eviction. Many communities have a provision in their doc-
ments allowing them to approve all new residents. If this is the case, it is strongly recommended that there be written criteria for the approval to minimize any violation of the myriad of laws governing occupancy.

And last, but certainly not least, a board should never try to be an attorney. If there is a legal question, the board should send it to the association’s attorney for a proper legal opinion. Aside from greatly decreasing the likelihood of a mistake, it also provides protection for the board when they follow an attorney’s advice. Even if there is a cost to obtain the legal opinion, it almost definitely is only a fraction of the potential cost of defending a bad decision. This is especially true when the safety and security of the residents and guests of the community are at stake. The attorney opinion takes most of the steam out of any accusation of negligence by the board.

These are just some of the components that need to be considered when dealing with the topic of safety and security. A board and the community manager should be constantly aware of all aspects of the community with a goal of regularly monitoring and improving safety. A trifecta of teamwork between the board, the manager, and the resi-
dents of a community is the best way to do this.

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